

PROB 12B
(12/98)

United States District Court
For
The Western District of New York
Request for Modifying the Conditions or Term of Supervision
With Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Torin Jonathan Finver

Case Number: 1:19CR00243-001

Name of Sentencing Judicial Officer: Honorable William M. Skretny, Senior United States District Judge

Date of Original Sentence: June 24, 2020

Original Offense: Importation of Controlled Substances, in violation of 21 U.S.C. §§ 952(a), 960(a)(1), and 960(b)(3)

Original Sentence: Time served, followed by one (1) year of supervised release. Special Conditions include: substance abuse testing/treatment; mental health evaluation/treatment; notify of any opiate based pain medication; and search/seizure. Special assessment of \$100.00 (paid in full).

Type of Supervision: Supervised Release

Date Supervision Commenced: June 24, 2020

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

The defendant shall comply with the conditions of the Location Monitoring Program (home incarceration component) for a period of two (2) months. The defendant shall wear (an) electronic monitoring device(s) and shall follow the monitoring procedures as outlined in Probation Form 61. The defendant is required to contribute to the cost of services rendered (co-payment). The daily rate and payment schedule are subject to periodic adjustments by the U.S. Probation Office.

CAUSE

On August 14, 2020, Mr. Finver reported to the U.S. Probation Office for a random drug test. The subject submitted a urinalysis sample, which tested positive for fentanyl but denied any use of this substance. The sample was confirmed positive for fentanyl by Alere Toxicology. On August 31, 2020, the subject reported to the U.S. Probation Office for a random drug test. Mr. Finver submitted a urinalysis sample, which tested positive for fentanyl but again denied any use of this substance. The sample was confirmed positive for fentanyl by Alere Toxicology. The subject eventually informed this officer he wanted help for his mental health and substance abuse issues. As a result, Mr. Finver

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was referred to Bradford Recovery's dual diagnosis inpatient program. On November 11, 2020, the subject was successfully discharged from the inpatient treatment program.

On December 8, 2020, Mr. Finver reported to the U.S. Probation Office for a random drug test. The subject submitted a urinalysis sample, which tested positive for cocaine. The subject admitted to using a half gram of cocaine on December 3, 2020. This officer is working with his outpatient mental health and substance abuse treatment provider to address his continued use of illicit substances.


As a result of the subject's continued use of illicit substances, it is respectfully recommended that his conditions of supervised release be modified to include Location Monitoring (home incarceration component) for a period of two (2) months. Mr. Finver was informed that any further noncompliance may result in a violation being filed with the Court. The subject has readily agreed to this modification as indicated by his signature on the attached waiver.

Reviewed by:



Peter J. Lepiane
Supervising U.S. Probation Officer


Respectfully submitted,

by 

Janelle L. Dzina
U.S. Probation Officer Specialist
Date: January 19, 2021

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

1/19/2021
Date

PROB 49
(Revised 11/98)

**United States District Court
Western District of New York**

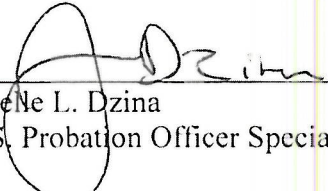
**Waiver of Hearing to Modify Conditions
Of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I further understand that all previously imposed conditions will remain in effect.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:


The defendant shall comply with the conditions of the Location Monitoring Program (home incarceration component) for a period of two (2) months. The defendant shall wear (an) electronic monitoring device(s) and shall follow the monitoring procedures as outlined in Probation Form 61. The defendant is required to contribute to the cost of services rendered (co-payment). The daily rate and payment schedule are subject to periodic adjustments by the U.S. Probation Office.

Witness:



Janele L. Dzina
U.S. Probation Officer Specialist

Signed:



Torin Jonathan Finver
Supervised Releasee



Date